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<b>Notice of Allowability</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/645,828	DICK ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Wasseem H. Hamdan	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 08/20/03; Telephone Interview of 04/21/2005.
2. ☒ The allowed claim(s) is/are 1-8, 16 and 17.
3. ☒ The drawings filed on 20 August 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>01/29/04; 06/01/04</u> | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material   | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

## DETAILED ACTION

### *Election/Restrictions*

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-17, drawn to a method of cutting material and determining a plan as claimed, classified in class 101, subclass 483.
  - II. Claims 18-21, drawn to an apparatus for controlling material processing, classified in class 700, subclass 171.

2. The inventions are distinct, each from the other because of the following reasons:

Inventions II and I are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case the product as claimed can be used in a materially different process of using that product. For example the products as claimed could be used in a process that does not include determining cutting plan in which determining a cutting plan in which: (a) salvage pieces having a length less than  $S_{min}$  are cut to lengths of  $DB_{max}$  or less, and (b) defect pieces having a length less than  $D_{min}$  are cut to lengths of  $DB_{max}$  or less; except if adjacent salvage and defect pieces have a combined length greater than  $D_{min}$  then the adjacent pieces are not cut to  $DB_{max}$  or less regardless of their individual lengths.

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3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

4. During a telephone conversation with Mr. Pierre C. Van Rysselberghe on 04/21/2005 a provisional election was made without traverse to prosecute the invention of group I, claims 1-17. Claims 18-21 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

#### EXAMINER'S AMENDMENT

5. This application is in condition for allowance except for the presence of claims 18-21 non-elected without traverse. Accordingly, claims 18-21 have been cancelled.

6. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Pierre C. Van Rysselberghe (Registration No. 33,557) on 04/21/2005.

The application has been amended as follows:

- a. **Title:** the title has been replaced with -- A METHOD TO CONTROL OPTIMIZED CUTTING OF STOCK TO SATISFY A CUT LIST --;

title has  
been changed  
in PALM

b.     **Abstract:** the abstract has been replaced with the following: -- A method of processing material involves cutting pieces of material pursuant to a cut list and managing remaining salvage and defect pieces. A computer may be connected to a saw machine, and programmed to optimize cutting of stock to satisfy a cut list. An operator may input a cut list into the computer along with other parameters such as minimum salvage and defect lengths. A printer may be configured to automatically print labels for application to cut pieces. --; and

c.     **Claims:** claims 9-15 and 18-21 have been cancelled.

*Examiner's Statement Of Reason For Allowance*

7.     The following is an examiner's statement of reasons for allowance:

Claims 1-8, 16 and 17 are allowed.

Regarding claim 1, the prior art of record does not teach all the combined steps for a method for of cutting material, including determining cutting plan in which determining a cutting plan in which: (a) salvage pieces having a length less than  $S_{min}$  are cut to lengths of  $DB_{max}$  or less, and (b) defect pieces having a length less than  $D_{min}$  are cut to lengths of  $DB_{max}$  or less; except if adjacent salvage and defect pieces have a combined length greater than  $D_{min}$  then the adjacent pieces are not cut to  $DB_{max}$  or less regardless of their individual lengths.

Regarding claim 16, the prior art of record does not teach all the combined steps for a method for of cutting material, including determining a cutting plan in which: (a) salvage pieces

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having a length less than  $S_{\min}$  are discarded, and (b) defect pieces having a length less than  $D_{\min}$  are discarded; except if adjacent salvage and defect pieces have a combined length greater than  $D_{\min}$  then the adjacent pieces are saved regardless of their individual lengths.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The prior art of record does not teach all the combined elements, components and steps as discussed above in the "examiner's statement of reasons for allowance".

9. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wasseem H. Hamdan whose telephone number is (571) 272-2166. The examiner can normally be reached on M-F (first Friday off) 6:30 AM- 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew H. Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Wasseem H. Hamdan

April 21, 2005



ANDREW H. HIRSHFELD  
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